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12/18/01
-J1031 U.S. PTO

ATTORNEY DOCKET NO.:
046700-5054

CERTIFICATE OF MAILING (37 CFR 1.10)

I hereby certify that this paper (along with any paper referred to as being transmitted therewith) is being deposited with the United States Postal Service on this date December 18, 2001 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL719298112US addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Janice Soulas
(Name of Person Mailing Paper)
Janice Soulas
(Signature of Person Mailing Paper)

J1002 U.S. PTO
10/022475
12/18/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Assistant Commissioner for Patents
BOX PATENT APPLICATION
Washington, D.C. 20231

**TRANSMITTAL FOR A NEWLY EXECUTED ORIGINAL APPLICATION
UNDER 37 C.F.R. §1.53(b)**

This is a request for filing a patent application under 37 C.F.R. §1.53(b) for:

Inventor(s): Brian P. DelBarba

For: METHOD OF MARKET BASKET BIDDING FOR SURPLUS MERCHANDISE

1. This is a new ☒ Utility ☐ Design ☐ Plant patent application.
2. The papers enclosed to obtain a filing date are as follows:
 - 11 Pages of Specification including Title Page
 - 4 Pages of Claims
 - 1 Page of Abstract
 - 4 Sheets of drawings containing 6 Figures
 - ☐ The enclosed drawing(s) are photograph(s), and there is also attached a PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)
3. Combined Declaration and Power of Attorney
 - ☒ Enclosed and is executed by all inventors.
 - ☐ Not Enclosed.

This application is being filed under the provisions of 37 C.F.R. §1.53(f).
Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

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4. Language

☒ English

☐ Non-English

This application is being filed in accordance with 37 C.F.R. §1.52(d) and §608.01 of the MPEP. Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the verified English translation and the processing fee.

5. Assignment

☒ An assignment of the invention to FreeMarkets, Inc. and a PTO Form-1595, Recordation Form Cover Sheet, as well as a check in the amount of \$40.00 to cover the fees are enclosed.

☐ An assignment will be filed at a later date.

6. Priority - foreign applications under 35 U.S.C. §119(a)-(d) or §365(b) or PCT international applications under 35 U.S.C. §365(a) designating at least one country other than the U.S.

☐ Priority of the following foreign application(s) is claimed:

Country	Application No.	Filed

Certified copy/ies: ☐ is/are attached. ☐ will follow.

7. Priority based on provisional application(s) - 35 U.S.C. §119(e)

☐ Priority of the following provisional application(s) is claimed:

Application No.	Filed

A. Relate Back - 35 U.S.C. §119(e)

☐ Amend the specification by inserting before the first line the sentence:
 "This application claims priority of copending provisional application(s) No. _____ filed on _____."

8. Small entity status

☐ Applicant claims small entity status under 37 C.F.R. §§1.9 and 1.27.

9. Fee Calculation (37 C.F.R. §1.16)

CLAIMS FOR FEE CALCULATION				
	Number Filed	Number Extra	at Rate of	Basic Fee Utility \$740.00 Design \$330.00
Total Claims (37 C.F.R. §1.16(c))	28 - 20 =	8	\$ 18.00 each =	\$144.00
Independent Claims (37 C.F.R. §1.16(b))	4 - 3 =	1	\$ 84.00 each =	\$ 84.00
Multiple dependent claim(s), if any (37 C.F.R. §1.16(d))			\$260.00	+
SUB-TOTAL =				\$968.00
Reduction by ½ for filing by a small entity				-\$
TOTAL FILING FEE =				\$968.00

10. Fee Payment

☐ Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.**

This application is being filed under the provisions of 37 C.F.R. §1.53(f).
Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

☒ Enclosed.
Check in the amount \$968.00 (8 extra claims and 1 extra independent claim).

☐ Please withdraw _____ from Deposit Account 50-0130.

11. ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

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12. Additional papers enclosed:

- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, documents included
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Please accord this application an application number and filing date.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



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Dated: December 18, 2001

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